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In re Application of	:	
ZEGE et al.	:	
Application No.: 10/089,979	:	DECISION ON
PCT No.: PCT/RU00/00238	:	
Int. Filing Date: 20 June 2000	:	PETITION UNDER
Priority Date: 05 August 1999	:	
Attorney Docket No.: NONE	:	37 CFR 1.137(b)
For: METHOD FOR COMBINED PROCESSING OF	:	
DIESEL FUEL	:	

This decision is in response to applicant's letter submitted 03 April 2002 requesting revival of the application. This letter has been treated as a petition under 37 CFR 1.137(b).

### **BACKGROUND**

On 20 June 2000, applicants filed international application PCT/RU00/00238, which claimed a priority date of 05 August 1999. A copy of the international application was communicated to the United States Patent and Trademark Office (USPTO) from the International Bureau on 15 February 2001. A Demand for international preliminary examination, in which the United States was elected, was filed on 09 February 2001, which was within nineteen months from the priority date. Accordingly, the thirty-month period for paying the basic national fee in the United States expired at midnight on 05 February 2002.

On 03 April 2002, applicants filed a submission for entry into the national stage in the United States which was accompanied by, *inter alia*, the U.S. Basic National Fee, an assertion of small entity status, a declaration of the inventors, and the above-mentioned letter, which has been treated as a petition under 37 CFR 1.137(b).

### **DISCUSSION**

A petition to revive the present application under 37 CFR 1.137(b) must include:

- (1) The required reply;
- (2) The petition fee;
- (3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional.

As to item (1), applicants submitted the basic national fee for a small entity on 03 April 2002.

As to item (2), applicants submitted the petition fee for a small entity on 03 April 2002.

With regard to item (3), petitioner's statement that "the abandonment was unintentional" has been construed as meaning that the "entire delay in filing the required reply from the due date for the reply until the filing of this petition under 37 CFR 1.137(b) was unintentional." If this interpretation is incorrect, applicant must *immediately* notify the Office of PCT Legal Administration of such fact.

A review of the application file reveals that, with the filing of the present petition and accompanying papers, a proper response has been submitted and all of the requirements of 37 CFR 1.137(b) for revival have been satisfied and revival is therefore appropriate.

The declarations filed 03 April 2002 do not comply with 37 CFR 1.497(a)-(b). Each executed declaration must identify each inventor. The declarations filed 03 April 2002 fail to identify each inventor. Rather, each declaration identifies only two of the six inventors. Consequently, a new oath(s) or declaration(s) properly identifying all of the inventors and signed by all of the inventors is required. Also, in one of the declarations filed 03 April 2002 the inventor is listed as Jury Zharchenkov whereas the international application was filed listing Jury Kharchenkov as the inventor. A satisfactory explanation of the difference between the last name of the inventor as indicated on the declaration and in the international application has not been provided. Nor has a grantable petition under 37 CFR 1.182 regarding a change of name of the inventor or a grantable petition under 37 CFR 1.497(d) (65 FR 54604, 08 September 2000, effective 07 November 2000) if a change of inventorship is being made from the inventorship of the application as indicated in the international application been provided. Thus, the inventorship indicated in the declaration does not appear to correspond to the inventorship of the international application.

The surcharge under 37 CFR 1.492(e) of \$65 for a small entity for providing the oath or declaration later than thirty months from the priority date and the processing fee under 37 CFR 1.492(f) of \$130 for providing the translation later than thirty months from the priority date have been charged to Deposit Account 26-0085, as authorized in the Transmittal Letter.

### CONCLUSION

The petition under 37 CFR 1.137(b) is GRANTED for the reasons set forth above.

Applicant is hereby given the time limit of TWO (2) MONTHS from the mail date of this communication in order to file a proper response. A proper response would be a new oath(s) or declaration(s) properly identifying all of the inventors and signed by all of the inventors and an

acceptable explanation of any typographical or transliteration error in the last name of the inventor as indicated in the international application if this is the case, or a petition under 37 CFR 1.182 (see MPEP § 605.04(c)) if the inventor has changed his name, or a petition under 37 CFR 1.497(d) if a change of inventorship is being made from the inventorship of the application as indicated in the international application. Extensions of time under 37 CFR 1.136(a) are available.

Failure to timely file a proper response to this decision in a timely manner will result in abandonment of the application with regards to national stage prosecution in the United States.

Please direct any further correspondence with respect to this matter to the Commissioner of Patents and Trademarks, Box PCT, Washington, D.C. 20231, and address the contents of the letter to the attention of the Office of PCT Legal Administration.



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